

EXHIBIT E

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. According to the Centers for Disease Control and Prevention, two-thirds of adults in the United States are overweight or obese. The rate of obesity has doubled in children and tripled in teens since 1980. Obesity increases the risk of diabetes, heart disease, stroke, and other health problems, and costs families, businesses, and governments \$117,000,000,000 each year.

Heart disease is the leading cause of death in the United States. Cardiovascular disease is the leading cause of death in women and causes the death of sixty-one thousand men and women between the ages of forty-five and sixty-four each year. It is also a leading cause of disability among working adults, significantly impacting the economy. The health care and lost productivity costs resulting from heart disease is estimated to be \$393,000,000,000 in 2004.

Research continues to reveal a strong link between diet and health. Increased calorie intake is a key contributor to the alarming increase in obesity. Excess saturated fat intake is a major risk factor for heart disease. Increased sodium intake is associated with an increased risk of high blood pressure or hypertension, a condition that can lead to cardiovascular disease such as stroke.

There is an upward trend in calorie and sodium intake that coincides with a significant increase in the number of meals prepared and eaten outside the

home in the past two decades. It is estimated that half of the money spent on food goes toward food from restaurants and other food service establishments, which is also where one-third of calories are consumed.

The legislature finds that improving the availability of nutritional information about food from food service establishments will help curb unhealthy food consumption. Three-quarters of American adults report using the information found on nutritional labels. Approximately half of the people surveyed report that the information found on nutritional labels caused them to change their minds about buying a food product. But while nutrition labeling is currently required on most packaged foods, labeling for restaurant foods is only required when nutrient content or health claims are made. Given the lack of nutritional information for most restaurant foods, it is difficult for restaurant-goers to make decisions that limit their calorie and sodium intake.

The purpose of this Act, which shall be known as the Menu Education and Labeling Act, is to require a retail food establishment that is part of a franchise comprised of ten or more establishments to maintain nutritional information on each of its standard menu items, and to have that information readily available and provide the information to the public upon request.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§321- Franchise retail food establishments; nutritional information.

(a) A franchise retail food establishment shall maintain nutritional information on each standard menu item on the menu, and upon request, shall provide this nutritional information to customers. The information shall include the total number of:

- (1) Calories;
- (2) Grams of saturated fat and trans fat;
- (3) Grams of carbohydrates;
- (4) Milligrams of sodium;
- (5) Grams of protein; and

(6) Grams of sugar,

per serving, as usually prepared and offered for sale; provided that if the franchise retail food establishment uses only a menu board, it may limit the nutritional information maintained to the total number of calories per serving per item; provided further that if the franchise retail food establishment serves a standard menu item in a self-serve capacity, such as in a salad bar, buffet line, or cafeteria service, it may limit the nutritional information maintained to the total number of calories per standard serving per item.

(b) Nutritional information shall be provided by means of an in-store brochure, booklet, kiosk, or other device that is easily accessible to customers. The retail food establishment shall also inform customers of the availability of this information through signage.

(c) The director shall adopt rules pursuant to chapter 91 to implement this section.

(d) For the purposes of this section:

"Franchise retail food establishment" means a retail food establishment that is part of a franchise comprised of ten or more establishments, regardless of the ownership of the individual establishments.

"Standard menu item" means food offered for sale that appears on the menu for more than thirty days per year, except for condiments, customized orders, and daily specials."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

INTRODUCED BY: _____